



DT05 Rec'd PCT/PTO 24 JUL 2002

PATENT
0760-0304P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Yukoh HIEI et al. Conf.: 5503
Appl. No.: 10/089,696 Group: UNASSIGNED
Filed: April 3, 2002 Examiner: UNASSIGNED
For: METHOD FOR PROMOTING EFFICIENCY OF GENE
INTRODUCTION INTO PLANT CELLS

INFORMATION DISCLOSURE STATEMENT
(SUBMISSION AFTER FILING OF AN APPLICATION
BUT BEFORE FINAL REJECTION OR NOTICE OF ALLOWANCE
OR CONCURRENTLY WITH A RULE 53(d) CPA APPLICATION
OR WITH A RULE 1.114 RCE APPLICATION)

Assistant Commissioner for Patents
Washington, DC 20231

July 24, 2002

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-1449(s), attached hereto.

II. COPIES (check at least one box)

- a. Submitted herewith is a legible copy of (i) each U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.
- b. Some or all of the documents listed on the PTO-1449 are not enclosed because they were cited in the International Search Report and copies should already be in the PTO file. If copies are needed, please contact the undersigned.

III. CONCISE EXPLANATION OF THE RELEVANCE
(check at least one box)

a. **DOCUMENTS IN THE ENGLISH LANGUAGE**

The attached patents, publications, or other information in the English language do not require a statement of relevancy.

b. **DOCUMENTS NOT IN THE ENGLISH LANGUAGE**

A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows:

JP2000-342255 A and JP2001-29075 A have English language abstracts attached herewith.

c. **ENGLISH LANGUAGE SEARCH REPORT**

An English language version of the search report or action that indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(A) (3).

d. **OTHER**

The following additional information is provided for the Examiner's consideration.

FEES

- IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b):
(check one box)
- a. within three months of the filing date of a national application (37 C.F.R. § 1.97(b)(1)). No fee or statement is required. (This section is not to be used with RCE's and CPA's).
- b. within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or statement is required.
- c. concurrently with the filing of a Continued Prosecution Application under 37 C.F.R. § 1.53(d) or concurrently with the filing of a Request for Continued Examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.
- d. before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or statement is required.
In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) below, or, if no statement has been made, charge our deposit account in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).
- V. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):
(check one box)
- before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c)(1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c)(2)).
- a. No statement; therefore, a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).
or
- b. See the statement below. No fee is required.

VI. STATEMENT UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby states that

- a. each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b. no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.
- c. Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

VII. PAYMENT OF FEES (check one box)

- A check in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p) is enclosed for the above-identified fee.
- Please charge Deposit Account No. 02-2448 in the amount required by 37 C.F.R. § 1.17(p) for the above-indicated fee. A triplicate copy of this paper is attached.
- No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
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jm
GMM/ETP/jmb
0760-0304P

- Enclosures:
- PTO-1449
 - Documents
 - Foreign Search Report
 - Fee
 - Other:

(Rev. 10/31/01)

INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary)				ATTY DOCKET NO. 0760-0304P	APPLICATION NO. 10/089,696	
				APPLICANT Yukoh HIEI et al.		
				FILING DATE April 3, 2002	GROUP UNASSIGNED	
U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	4,693,976	1987-09-15	SCHILPEROORT et al			
	4,940,838	1990-07-10	SCHILPEROORT et al			
	5,591,616	1997-01-07	HIEI et al.			
	5,731,179	1998-03-24	KOMARI et al.			
	6,215,051 B1	2001-04-10	YU et al.			
	6,329,571 B1	2001-12-11	HIEI			
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION
						YES
	JP2000-342255 A	2000-12-12	JAPAN			Abs
	JP2001-029075 A	2001-02-06	JAPAN			Abs
	EP 0 504 869 A2	1992-09-23	EPO			X
	EP 0 672 752 A1	1995-09-20	EPO			X
	EP 0 927 765 A1	1999-07-07	EPO			X
	EP 1 136 560 A1	2001-09-26	EPO			X
	EP 0 116 718 B1	1984-08-29	EPO			X
	EP 0 159 418 B1	1985-10-30	EPO			X
OTHER DOCUMENTS (Include Name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.)						
	Elizabeth E. HOOD et al., Transgenic Research, Vol. 2, (1993), pp.208-218.					
	Bruce Watson et al., Journal of Bacteriology, Vol. 123, No. 1, (July 1975), pp.255-264.					
	Richard A. Jefferson, Plant Molecular Biology Reporter, Vol. 5, No. 4, (1987), pp.387-405.					
	Kinya TORIYAMA et al., Plant Science, Vol. 41, (1985), pp.179-183.					
EXAMINER				DATE CONSIDERED		
EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.						

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	Y. SAITO et al., Theor. Appl. Genet, Vol. 83, (1992), pp.678-683.
	Shozo OHTA et al., Plant Cell Physiol., Vol. 31, No. 6, (1990), pp.805-813.
	Hong-Quing LI et al., Nature Biotechnology, Vol. 14, (June 1996), pp.736-740.
	Toshihiko KOMARI et al., The Plant Journal, Vol. 10, No. 1, (1996), pp.165-174.
	Toshihiko KOMARI et al., Journal of Bacteriology, Vol. 166, No. 1, (April 1996), pp.88-94.
	Toshihiko KOMARI, Plant Cell Reports, Vol. 9, (1990), pp.303-306.
	Shouguang JIN et al., Journal of Bacteriology, Vol. 169, No. 10, (October 1987), pp.4417-4425.
	Elizabeth E. HOOD et al., Biotechnology, Vol. 2, (1984), pp.702-709.
	Yuji ISHIDA et al., Nature Biotechnology, Vol. 14, (June 1996), pp.744-751.
	P. ZAMBRYSKI et al., EHBO, Vol. 2, (1983), pp.2143-2150.
	A. HOEKEMA et al., Nature, Vol. 303, (May 1983), pp.179-180.
	Elizabeth E. HOOD et al., Journal of Bacteriology, Vol. 168, No. 3, (December 1986), pp.1291-1301.
	Jesus ESCUDERO et al., Molecular Biology Protocols, The Maize Handbook (1994), pp.598-603.

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L. XIAO et al., Plant Cell Reports, Vol. 16, (1997), pp.874-878.
Mary-Dell CHILTON et al, Proc. Nat. Acad. Sci. USA, Vol. 71, No. 9, (September 1974), pp.3672-3676.
Chu Chin-Ching, Excerpt from the Sino-Australian Plant Tissue Culture Symposium, held May 25-30, (August 1978), pp. 43-50.
Robert T. FRALEY et al., Bio/Technology, Vol. 3, (July 1985), pp.629-635.
Robert T. FRALEY et al., Proc. Natl. Acad. Sci. USA, Vol. 80, (August 1983), pp.4803-4807.
Christina L. Hartman et al., Bio/Technology, Vol. 12, (September 1994), pp.919-923.
Yukoh HIEI et al., The Plant Journal, Vol. 6, No. 2, (1994), pp.271-282.
Dennis BIDNEY et al., Plant Molecular Biology, Vol. 18, (1992), pp.301-313.
Michael BEVAN, Nucleic Acids Research, Vol. 12, No. 22, (1984), pp.8711-8721.
Plant Molecular Biology Manual, Kluwer Academic Publishers, (1988), pp.PMAN A3/2-A3/19.
Rhodora R. ALDEMITA et al., Planta, Vol. 199, (1996), pp.612-617.
K. LINDSEY, Plant Tissue Culture Manual, Supplement 1, (1992).
Richard G.F. VISSER, Plant Tissue Culture Manual, Vol. B5, (1991), pp.1-9.

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- Sheila MCCORMICK, Plant Tissue Culture Manual, Vol. B6, (1991), pp.1-9.
- Keith LINDSEY et al., Plant Tissue Culture Manual, Vol. B7, (1991), pp.1-13.
- Methods for Plant Molecular Biology, Academic Press, Inc., edited by Arthur WEISSBACH, (1988).
- Stephen G. ROGERS et al., Methods for Plant Molecular Biology, (1988), pp.423-437.
- Heng ZHONG et al., Plant Cell Reports, Vol. 13, (1993), pp.1-6.
- Elizabeth E. HOOD et al., Plant Physiol., Vol. 83, (1987), pp.529-534.
- R.B. HORSCH et al., Science, Vol. 227, (March 8, 1985), pp.1228-1231.
- T. KOMARI, Theor. Appl. Genet, Vol. 80, (1990), pp.167-171.
- I. POTRYKUS et al., Theor. Appl. Genet, Vol. 54, (1979), pp.209-214.
- Toshihiko KOMARI, Plant Science, Vol. 60, (1989), pp.223-229.
- Toshihiko KOMARI et al., Molecular Improvement of Cereal Crops, (Copyright 1999), pp. 43-82.
- Toshio MURASHIGE et al., Physiologia Plantarum, Vol. 15, (1962), pp.473-497.
- Y. ASANO et al., Plant Cell Reports, Vol. 17, (1998), pp.963-967.

EXAMINER

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Yoshito ASANO et al., Plant Cell Reports, Vol. 13, (1994), pp.243-246.

Harold N. TRICK et al., Transgenic Research, Vol. 6, (1997), pp.329-336.

Gary DITTA et al, Proc. Natl. Acad. Sci. USA, Vol. 77, No. 12, (December 1980), pp.7347-7351.

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